



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

October 20, 1997

CERTIFIED RETURN RECEIPT
P 074 976 608

Dan L. Powell
Emery Industrial Resources
967 South 680 West
Payson, Utah 84651

Re: Request for Completion of Permitting, Emery Industrial Resources, Cherry Hill Park, M/049/021, Utah County, Utah

Dear Mr. Powell:

This is a formal request for Emery Industrial Resources (EIR) to complete the permitting process for the Cherry Hill Park Mine as required under the large mine section of the Minerals Rules, Utah Mined Land Reclamation Act, Title 40-8.

In July, 1992, this operation was initially permitted as a small mining operation. On November 14, 1994, EIR submitted a Large Mining Operations Notice of Intention (LMO) to change the operation from a small mine to a large mine. The Division reviewed the application and on June 2, 1995, the Division sent EIR a deficiency review of the LMO application (copy attached). Over two years have passed since that date and we have not received any written correspondence in an attempt to complete the permitting process.

The Division must realize some progress in the permitting of this large mining operation in order to avoid taking enforcement action placing your operation in non-compliance. Therefore, the Division formally requests that you respond to the deficiencies outlined in our June 2, 1995 review letter within 45-days from your receipt of this letter. If this timeframe is not acceptable, please provide a written response (before the 45-day time period expires) explaining the reasons why you cannot comply and supporting justification for an alternate date.

Please contact me at (801) 538-5286 or Lynn Kunzler at (801) 538-5310, if you have any questions in this regard. Thank you for your immediate attention to this request.

Sincerely,

D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb
Enclosure: 6/2/95 letter
cc: Buck Rose, Utah County
Lynn Kunzler
M049021.ltr